

### **REMARKS**

The Examiner was contacted by telephone October 13, 2005 and informed of the amendment, particularly the combining of claims 1 and 9. It was decided that this written amendment should be filed to avoid a third penalty period and allow the Examiner to review the amendments and discussion of the reference. She suggested filing this amendment by fax as we plan to do.

The Examiner was kind enough to indicate claim 8 allowable if rewritten in independent form. However, we request instead the reconsideration of claim 9 which has been inserted into claim 1 to amend claim 1. The Examiner has cited the Jameson et al. patent which is structurally quite similar to applicant's device, but Jameson et al. is far more elaborate and expensive to make being made of two pieces. Fig. 8 shows the shield 53 attached by clips 27 comprising a pair of prongs 28 used to attach the shield 53 to ring 17 as seen in Fig. 4. The ring 17 in turn has prongs 18 to attach it to the smoke detector or other device. The two piece device is more difficult and expensive to manufacture as each piece must be made separately and then clipped together. Applicant's claim 9 called for a one piece molded structure as shown in the drawings. Such a structure is simpler, much easier and less expensive to manufacture and not subject to the problem of possible separation of the two pieces from one another. The Examiner is respectfully requested to consider the amendment of claim 1 to include the limitations of claim 9 and allow the composite claim 1. The remaining claims which are dependent from claim 1 have not been cancelled because if claim 1 as amended is patentable these claims should be and have advantage lent by the one piece structure.

Claim 10 provides a further novel particular advantage, not shown in the cited reference nor available through other prior art. It provides multiple sets of legs so that the cover can be alternatively used to cover devices, like smoke alarms, which are of different predetermined sizes. This is an added advantage to the one piece construction. Smoke detectors of a particular shape frequently come in various standard sizes and at least two different sizes. Multiple sets of legs allow different sets of legs to engage different size devices. An inner set of legs can be used over the smallest smoke detector or other device as seen in Fig. 1 without outer legs interfering. However, the other set of legs is required for a larger device, the inner legs will probably be in the way. But with a one piece resinous cover,


the unneeded legs can be easily cut or broken off and removed from the cover. It is even possible to provide break off points when certain resinous materials are used. They allow the legs to be broken off without tools if bent back and forth at the break off point further than the small amount of flexing required to engage a smoke detector, for example. Therefore, claim 10 has additional patentable features not shown in Jameson et al. or other prior art.

Also the formal objections kindly noted by the Examiner have been corrected by amendments that are believed to properly respond to the Examiner's formal objections. Other amendments have been made for clarity and do not particularly modify claim scope.

The applicant is relying on the novelty of claim 1 for patentability but those claims other than claim 10 provide preferred structure and detail. Claim 10 does that as well but also adds structure not shown in the prior art. It is respectfully requested that the claims as amended be allowed. The Examiner is requested to contact the below identified attorney by telephone indicated below to discuss any questions in the Examiner's mind about the claims and discuss possible ways to further amend claims if desirable. It would be appreciated if such further brief telephone interview could be used to discuss what can be done to make the rejected claims allowable, or possibly discuss elimination of certain dependent claims if there is need for that.

Respectfully submitted,

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